

THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

26095
19 FEB 1971

MEMORANDUM FOR THE PRESIDENT

SUBJECT: The Geneva Protocol

I refer to Secretary Rogers' memorandum concerning the future Congressional hearings on the Geneva Protocol of 1925.

I share Secretary Rogers' view that we reaffirm our position that riot control agents and chemical herbicides are not covered by the prohibitions of the Geneva Protocol. However, because of the safety of our forces, I cannot concur in his recommendation for "an immediate cessation of the use of chemical herbicides, in any form for any military purpose in Vietnam."

During the past two months, the policy regarding the use of herbicides in Vietnam has undergone intensive reviews by the NSC Under Secretaries Committee, by my Department, and by your Office. As you know, all uses of herbicides in Vietnam are governed by the same restrictions for their use in the U.S., and have been further restricted to use in remote, unpopulated areas or around firebases and U.S. installations. On 16 January 1971, it was ordered that the use of chemical herbicides for crop destruction be terminated. Consequently, Vietnam and its people are not being subjected to any greater risks than our own country and population through the use of herbicides. I consider that these actions have made our current herbicide operations in Vietnam completely justifiable in light of current domestic practices.

The above actions were taken with full awareness of the temporary risks to our forces and the detrimental effects on our military operations. I have concluded that any additional actions to speed up the phaseout of the herbicide operations prior to 1 May 1971 should be determined by General Abrams in reaction to the military situation in the field rather than dictated solely by the political situation in Washington. Retention of the option to employ herbicides around fire support bases and installations, and along certain important lines of communication is considered essential for the protection of U.S. and allied forces - especially as the VC/NVA forces revert to greater reliance on sapper and ambush tactics, and as we continue to withdraw more American troops.

In accordance with your directions, as indicated by Dr. Kissinger on 28 December 1970, we will seek your approval should we require an expansion of herbicide operations in Vietnam prior to 1 May 1971 or should it become necessary to extend herbicide operations beyond that date. We anticipate submitting a plan for an appropriate RVNAF herbicide capability for your consideration at a future date.



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